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36608 7590 08/22/2011 GUIDRUN E. HUCKETT DRAUDT SCHUBERTSTR. 15A WUPPERTAL, 42289 GERMANY				
EXAMINER JOHNS, CHRISTOPHER C				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/765,730

Applicant(s)

MILLER ET AL.

Examiner

CHRISTOPHER C. JOHNS

Art Unit

3621

Period for Reply
-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1,2,5,6 and 9-13 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1,2,5,6 and 9-13 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-CO-001)
Paper No(s)/Mail Date ____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Acknowledgements

1. This Office Action is given Paper No. 20110815 for reference purposes only.
2. This Office Action is in response to the response to non-final office action, filed by Applicants on 22 May 2011 ("May 2011 Response"). The May 2011 Response contained, inter alia, claim amendments ("May 2011 Amendments") and remarks ("May 2011 Remarks").
3. Claims 1, 2, 5, 6, and 9-13 are pending.
4. Claims 1, 2, 5, 6, and 9-13 have been examined.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1, 2, 5, 6, and 9-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Independent claim 1 recites "when the probability does not meet the predetermined criteria and the documents [are] negatively authenticated, recording the document as an image and presenting the image to an operator for visual verification . . . the document is accepted when the document has passed operator's visual verification . . . the document is refused when the document does not pass operator's visual verification . . ." (page 3, lines 1-18). The recitation of "the document is accepted when the document has passed operator's visual verification . . . the

document is refused when the document does not pass operator's visual verification . . ." renders the claim indefinite because a person having ordinary skill in the art would not understand whether the recitations of "operator's" is supposed to be:

- a. "the operator's" - i.e. the operator originally mentioned on line 8; or
- b. "an operator's" - i.e. an operator separate from the operator originally mentioned on line 8.

8. Because a person having ordinary skill in the art's attempt to interpret the claim language would result in two or more structurally dissimilar interpretations, the claim language is indefinite. As such, the USPTO is justified in requiring the Applicant to more precisely define the metes and bounds of the claimed invention. See *Ex parte Miyazaki*, 89 USPQ2d 1207, 1211 (BPAI 2008). For further guidance on this matter, see page 2, ¶1 of "Indefiniteness rejections under 35 U.S.C. 112, second paragraph (signed 2 September 2008)," located at the USPTO's website: <http://www.uspto.gov/web/patents/memoranda.htm>.

9. The Examiner suggests - assuming there is proper support under 35 USC § 112 first paragraph for it and assuming that a recitation in these terms encompasses Applicants' desired scope - amending the claim to recite that this is either the same "operator" mentioned on line 8, or a second operator separate from the first operator.

10. Claim 10 contains a similar recitation and is therefore rejected for similar reasons.

11. The Examiner finds that because the claims are indefinite under 35 U.S.C. §112, 2nd paragraph, it is impossible to properly construe claim scope at this time. However, in accordance with MPEP §2173.06 and the USPTO's policy of trying to advance prosecution by providing art

rejections even though claims may be indefinite, the claims are construed and the prior art is applied as much as practically possible.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 1, 2, 5, 6, and 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Admitted Prior Art in Applicants' specification ("APA"), in view of U.S. Patent Application Publication 2001/0006556 ("Graves"), further in view of U.S. Patent 5,537,486 ("Stratigos").

14. As per claim 1, APA discloses:

15. providing a sales machine ([0003] - "a sales machine") configured for selling public transportation tickets ([0003] - "a sales machine for selling tickets for public transportation");

16. sales machine configured to facilitate purchase of goods/services by a customer against payment of a document as cash in the form of banknotes or vouchers ([0003] - "banknotes or vouchers are verified and maintained...");

17. providing the sales machine with a verification unit ([0004] - "a verification unit"), wherein the verification unit is configured for authenticating documents ([0004] - "a verification unit, in which the document is authenticated");

18. providing the sales machine with an intermediate storage ([0003] - “intermediate storage”) configured to maintain documents accepted until the amount of the documents maintained in the intermediate storage corresponds to or exceeds the amount of the ticket ([0003] - “individual means of payment such as banknotes or vouchers are verified and maintained in intermediate storage until the amount of the means payment that have been inserted corresponds to or exceeds the amount of the ticket”);
19. feeding the document to the verification unit by means of an input unit ([0004] - “transport mechanism”), containing an opening into which the document can be inserted individually ([0004] - “the same...opening”) and consecutively (each document referred to in [0004] is inserted into the “opening”);
20. authenticating the document ([0004] - “document is authenticated and released for further processing”);
21. maintaining the document in the intermediate storage until the amount of the documents maintained in the intermediate storage corresponds to or exceeds the amount of the ticket ([0003] - “individual means of payment such as banknotes or vouchers are verified and maintained in intermediate storage until the amount of the means payment that have been inserted corresponds to or exceeds the amount of the ticket”);
22. refused document is ejected ([0004] - “an invalid document is rejected via the same or a separate opening”).
23. APA does not explicitly disclose:
24. authenticating by performing a combination of at least two different verification methods;

25. comparing results of the at least two verification methods with verification specifications;
26. determining a probability of authenticity of the document based on predetermined criteria;
27. releasing the document for further processing, comprising when the probability meets the predetermined criteria, accepting the document as positively authenticated.
28. Graves teaches:
29. authenticating by performing a combination (figure 2a, Optical Scanning **38**, Magnetic Scanning **40**) of at least two ([0077] - “Provided that an error has not been generated as a result of the first comparison...a second comparison is performed”) different verification methods ([0077] - “This second comparison is performed based on a second type of characteristic information”);
30. comparing results of the at least two verification methods with verification specifications ([0048] - “step 42 . . . comparing the **image data to a plurality of known images** . . . step 46, the checksum . . . **is compared to an expected value**”);
31. determining a probability ([0078] - “sufficient correlation”) of authenticity of the document ([0078] - “CPU **72** retrieves the set or sets of stored second characteristic data for a genuine bill...and compares the retrieved information with the scanned second characteristic information. If sufficient correlation exists between the retrieved information and the scanned information, the CPU 72 verifies the genuineness of the scanned bill **57**”) based on predetermined criteria ([0078] - “sufficient correlation . . . between the retrieved information and the scanned information”);

32. releasing the document for further processing, comprising when the probability meets the predetermined criteria, accepting the document as positively authenticated ([0078] - “If sufficient correlation exists between the retrieved information and the scanned information, the CPU 72 verifies the genuineness of the scanned bill 57”).

33. Graves teaches testing a scanned bill using two sensors, because taking multiple samples of a document increases the “probability of accurate classification of the denomination of a bill” ([0047]). Put mathematically, if the probability of a false positive from one method is $1/x$ and the probability of a false positive from another method is $1/y$ (such that x and y are positive integers more than 1), the probability that **both** methods yield false positives results is $1/(x*y)$, which is less likely than either $1/x$ or $1/y$. This creates a system where fewer bills will be falsely identified as genuine; this, in turn, creates a more profitable system for its users, because it would create a system where fewer fake bills would be accepted by the user.

34. Therefore, it would have been obvious to a person having ordinary skill in the art to include in the Admitted Prior Art the two-step scanning mechanism as taught by Graves, since the claimed invention is merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately. A person having ordinary skill in the art would have recognized that the results of the combination were predictable.

35. Additionally, a person having ordinary skill in the art would have recognized that the results of the combination would be advantageous because it would create a more reliable system where fewer bills are falsely marked as genuine, as well as a more profitable system.

36. APA in view of Graves does not explicitly disclose:
37. when the probability does not meet the predetermined criteria and the documents [are] negatively authenticated, recording the document as an image and presenting the image to an operator for visual verification by the operator;
38. document is accepted when the document has passed [the] operator's visual verification;
39. document is refused when the document does not pass [the] operator's visual verification.
40. Stratigos teaches:
41. when the probability does not meet the predetermined criteria and the documents [are] negatively authenticated (column 4, lines 12-15 - "documents . . . suspected as fakes"), recording the document as an image (column 4, lines 12-15 - "**image** of documents . . . suspected as fakes") and presenting the image to an operator for visual verification by the operator (column 4, lines 12-15 - "sent to an investigative station 31 **to be manually confirmed**");
42. document is accepted when the document has passed [the] operator's visual verification (column 4, lines 12-15 - "to be **manually confirmed** . . . graphics image file may be directly sent . . . where the document can be **visually checked**" - that is, the operator can manually confirm that the document is proper using the image of the document);
43. document is refused when the document does not pass [the] operator's visual verification (column 4, lines 12-15 - "to be **manually confirmed** . . . graphics image file may be directly sent . . . where the document can be **visually checked**" - that is, the operator can reject the document if it does not pass the operator's "visual[] check).
44. Stratigos' system enables bill verification to be "performed rapidly," it "can take place before the document is honored," thus avoiding the "problems associated with the prior art"

(column 2, lines 6-10). The problems avoided include the “prohibitive amount of time to verify a large number of documents” (column 1, line 26). A person having ordinary skill in the art would see Stratigos’ system as advantageous because it would create a faster-operating system that is also accurate; this in turn creates a more profitable system for its users, because it would create a system where fewer fake bills would be accepted by the user.

45. Therefore, it would have been obvious to a person having ordinary skill in the art to include in the Admitted Prior Art and Graves the operator-assisted system as taught by Stratigos, since the claimed invention is merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately. A person having ordinary skill in the art would have recognized that the results of the combination were predictable, as well as advantageous because it would create a system where fewer bills are falsely marked as genuine, as well as a more profitable and faster system.

46. As per claim 2, APA in view of Graves, further in view of Stratigos, discloses as above, and further discloses:

47. two verification methods are selected from: magnetic verification (Graves, [0077] - “magnetic properties of a bill”), image verification (Graves, [0077] - “color of a bill”), UV verification (Graves, [0079] - “UV”), visual verification (Stratigos, column 4, lines 18-20 - “visually checked”).

48. As per claim 5, APA in view of Graves, further in view of Stratigos, discloses as above, and further discloses:

49. visual verification is performed only on documents of a desired value (Graves, [0120-21] - “for each denomination and/or series, the sensitivity of the three tests may be...off...for low denomination modes (e.g. \$1, \$2) the three tests may be set to relatively low sensitivities;” each bill may be set to different sensitivities, or to “off;” the operator determines for which bills he wants the detection to be in the “off” position; additionally, the operator of the system need not perform the visual verification, it is entirely up to the operator’s choice to look at the bill’s image).

50. As per claim 6, APA in view of Graves, further in view of Stratigos, discloses as above, and further discloses:

51. visual verification method is performed as via direct visual authentication of the image of the document (Stratigos, column 4, lines 12-20 - “graphics image file may be directly sent to the data entry work station 33, where the document can be visually checked for the proper pattern or icon 12”).

52. As per claim 9, APA in view of Graves, further in view of Stratigos, discloses as above, and further discloses:

53. operator consists of an entity other than the customer (Stratigos, column 2, lines 1-5 - “an operator.” The operator uses the system in Stratigos in order to “detect forged currency” that

another has attempted to use for some type of purchase *from* the operator - “verification process...can take place before the document is honored”).

54. The Examiner finds that claim 10 is not patentably distinct from claim 1, because the inventions in claims 1 and 10 are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case however, the subcombination - claim 1 - does not have utility by itself, because the only difference between claim 1 and claim 10 is that claim 1 contains an intermediate storage which maintains documents until all documents correspond to or exceed the amount of the ticket.

55. Because claim 10 is not patentably distinct from claim 1, the Examiner concludes that the patentability of claim 10 stands or falls with claim 1.

56. As per claim 11, APA in view of Graves, further in view of Stratigos, discloses as above, and further discloses:

57. two verification methods are selected from: magnetic verification (Graves, [0077] - “magnetic properties of a bill”), image verification (Graves, [0077] - “color of a bill”), UV verification (Graves, [0079] - “UV”), visual verification (Stratigos, column 4, lines 18-20 - “visually checked”).

58. As per claim 12, APA in view of Graves, further in view of Stratigos, discloses as above, and further discloses:

59. visual verification is performed only on documents of a desired value (Graves, [0120-21] - “for each denomination and/or series, the sensitivity of the three tests may be...off...for low denomination modes (e.g. \$1, \$2) the three tests may be set to relatively low sensitivities;” each bill may be set to different sensitivities, or to “off;” the operator determines for which bills he wants the detection to be in the “off” position; additionally, the operator of the system need not perform the visual verification, it is entirely up to the operator’s choice to look at the bill’s image).

60. As per claim 13, APA in view of Graves, further in view of Stratigos, discloses as above, and further discloses:

61. operator consists of an entity other than the customer (Stratigos, column 2, lines 1-5 - “an operator.” The operator uses the system in Stratigos in order to “detect forged currency” that another has attempted to use for some type of purchase *from* the operator - “verification process...can take place before the document is honored”).

Claim Interpretation

62. The Examiner hereby adopts the following definitions under the broadest reasonable interpretation standard. In accordance with *In re Morris*, 127 F.3d 1048, 1056, 44 USPQ2d 1023, 1029 (Fed. Cir. 1997), the Examiner points to these other sources to support his interpretation of the claims. Additionally, these definitions are only a guide to claim terminology since claim

terms must be interpreted in context of the surrounding claim language. Finally, the following list is not intended to be exhaustive in any way:

63. **Accept:** “1 a : to receive willingly <~ a gift> . . . 5 . . . to take in payment <we don’t ~ personal checks>.” Merriam-Webster’s Collegiate Dictionary, 10th Edition, Merriam-Webster, Inc., Springfield, MA 1997.
64. **Recall:** “n 4 : the act of revoking.” Merriam-Webster’s Collegiate Dictionary, 10th Edition, Merriam-Webster, Inc., Springfield, MA 1997.
65. **Review:** “n [ME, fr. MF *reveue*, fr. *revoir* to look over, fr. *re-* + *voir* to see - more at VIEW] 4: an act or the process of reviewing . . . vb 1: to view or see again 2: to examine or study again” Merriam-Webster’s Collegiate Dictionary, 10th Edition, Merriam-Webster, Inc., Springfield, MA 1997.
66. **When:** “2 : in the event that: IF.” Webster’s Ninth New Collegiate Dictionary, Merriam-Webster Inc., Springfield MA, 1986.
67. Optional or conditional elements - such as the recitations in claim 1 that recite ‘when the probability meets the predetermined criteria . . .’ - do not narrow claims because they can always be omitted. See *In re Johnston*, 435 F.3d 1381, 77 USPQ2d 1788, 1790 (Fed. Cir. 2006) (“As a matter of linguistic precision, optional elements do not narrow the claim because they can always be omitted”), and MPEP §2106 II C, which states “Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation” (emphasis in original text).

Response to Arguments

68. To support the rejections of claims 1, 2, 5, 6, and 9-13, in the event of an appeal to the USPTO's Board of Patent Appeals and Interferences, and in addition to the particular citations noted above, the Examiner hereby cites to Applicants' specification: [0001] to [0028] and figure 1; Graves: [0001] to [0127], figures 1a-9, and claims 1-52; and Stratigos, column 1 line 1 to column 8 line 15, and figures 1-3.

69. Applicant's arguments filed with the May 2011 Response have been fully considered but they are not persuasive.

70. **Applicants argue:** "verification prior to acceptance of a banknote for payment purposes is desired. In contrast, the cited reference [Graves] relates to a method in the banking environment where a stack of banknotes . . . is to be checked . . . i.e. the banknotes have already been accepted by the bank and are now, after the fact, checked for counterfeit notes" (May 2011 Remarks, page 11, ¶ 3).

71. **Examiner's response:** The Examiner disagrees.

72. Firstly, Applicants' arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

73. Secondly, Graves explicitly enables the operator of the system to reject the suspect bill through "recall, review and/or printout by an operator" ([0042]). The fact that the bank has "accepted" the bills in order to determine if they are counterfeit does not prevent the bank from

“recall[ing] or review[ing]” the bills and thus discarding them. While Applicants attempt to paint Graves as not permitting anyone to discard or reject a bill that has been scanned, Graves in fact allows used to “recall [or] review” any suspect bills.

74. Therefore, Applicants’ arguments are not convincing.

75. **Applicants argue:** “[Graves] belongs to another technical field than the present invention . . . this is entirely different with regard to quality and type of processing in comparison to the present invention . . .” (May 2011 Remarks, page 12, ¶¶ 1-2)

76. **Examiner’s response:** The Examiner disagrees. See Memorandum entitled “Analogous Art for Obviousness Rejections,” signed 26 July 2011 by Robert Bahr (Acting Associate Commissioner for Patent Examination Policy), available at <http://www.uspto.gov/patents/law/exam/memoranda.jsp> (“Analogous Art Memo”).

77. In the Analogous Art Memo, it is stated that “a reference is analogous art to the claimed invention if: (1) the reference is from the same field of endeavor as the claimed invention (even if it addresses a different problem); or (2) the reference is reasonably pertinent to the problem faced by the inventor (even if it is not in the same field of endeavor as the claimed invention)” (Analogous Art Memo, ¶ 1). These two factors will be called “Factor 1” and “Factor 2.”

Factor 1

78. The Examiner finds that the present invention’s field of endeavor is “accepting and/or authenticating documents, in particular banknotes” (specification, [0001]).

79. The Examiner finds that Graves' field of endeavor is "document authentication and discrimination [specifically] evaluating currency bills" ([0002]).

80. The Examiner thus concludes that the present invention and Graves are from the same field of endeavor, because both disclosures are directed to authenticating/evaluating banknotes (also known as "currency bills").

Factor 2

81. The Examiner finds that the problem faced by the inventors is that prior art payment systems "apply only one verification method for authenticating [] banknote[s]" ([0004]), and thus proposes "authenticating [being] performed by a combination of at least two different verification methods" ([0006]).

82. The Examiner finds that Graves teaches authenticating a bill using at least two different verification methods - see figure 2a, where the bill goes through an Optical Scanning step **38** and a Magnetic Scanning step **40**.

83. The Examiner thus concludes that Graves is reasonably pertinent to the problem faced in the present application, because Graves discloses solving the inventors' problem of the prior art "apply[ing] only one verification method for authenticating [] banknote[s]" by using **two verification methods** - Optical Scanning **38** and Magnetic Scanning **40**.

Conclusion

84. Because the present invention and Graves are from the same field of endeavor (Factor 1) and/or because Graves is reasonably pertinent to the problem faced in the present application, Graves is analogous art to the present application.

85. Therefore, Applicants' arguments are unconvincing.

86. **Applicants argue:** "a person of skill in the art can neither derive [motivation??] from [Graves] to perform a visual examination at all nor is there any motivation to be derived from [Stratigos] to provide a second automatic verification since the process is based on a printed-on safety feature to be detected by differentiation scanning" (May 2011 Remarks, page 13, ¶ 4).

87. **Examiner's response:** The Examiner disagrees with both points.

88. Firstly, as for Applicants' argument that there is no disclosure in Graves of motivation for a visual examination, see Graves, [0042], which discloses that the problem with the individual bill is "recorded in system memory . . . for subsequent recall, review, and/or printout." This allows the operator to review the suspect bill after the bills have been scanned. Thus, there is motivation to perform a visual examination because the bill is held off for recall and or review of the bill itself.

89. Secondly, as for Applicants' argument that there is no motivation in Stratigos to provide a second automatic verification system, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). That is, Stratigos teaches presenting the document's image to an operator and

not “a second automatic verification” as Applicants have averred (May 2011 Remarks, page 13, ¶ 4). Because the claim language is met, Applicants’ arguments are unconvincing.

90. Therefore, Applicants’ arguments are unconvincing and the claim rejections stand.

Conclusion

91. Applicants’ amendment, filed with the May 2011 Amendments, necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

92. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

93. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to **CHRISTOPHER C. JOHNS** whose telephone number is (571)270-3462. The Examiner can normally be reached on Monday-Friday, 8am-4pm. The Examiner’s direct fax line is (571) 270-4462.

94. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Andrew Fischer can be reached on (571) 272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

95. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher C Johns/
Examiner, Art Unit 3621

/ANDREW J. FISCHER/
Supervisory Patent Examiner, Art Unit 3621